

**Remarks**

**1. Summary of Office Action**

In the final Office Action mailed on April 6, 2005, the Examiner rejected claims 1-16 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-18 of U.S. Patent Application No. 09/840,340.

**2. Status of claims**

Applicants have amended claims 15 and 17 to correct non-substantive typographical errors. Applicants respectfully request entry of these minor amendments.

Presently pending in this application are claims 1-17, of which claims 1, 3, 9, 15, and 17 are independent and the remainder are dependent. The Examiner has allowed claim 17.

**3. Response to Nonstatutory Double Patenting Claim Rejections**

As noted above, the Examiner rejected claims 1-16 on grounds of nonstatutory double patenting over claims 1-18 of U.S. Patent Application No. 09/840,340.

Applicants respectfully submit that U.S. Patent Application No. 09/840,340, which issued as U.S. Patent No. 6,895,005 on May 17, 2005, is commonly owned with the presently pending application. Accordingly, Applicants submit herewith a terminal disclaimer in compliance with 37 C.F.R. 1.321(c). Applicants respectfully submit that this overcomes the rejections of claims 1-16.

**4. Consideration of Information Disclosure Statement**

In the Office Action, the Examiner provided a copy of the Form PTO-1449 filed on December 13, 2004, to indicate that the Examiner has considered the disclosed references. Applicants, however, have not received from the Examiner a copy of the Form PTO-1449 that was filed on December 3, 2004, along with a response to the first Office Action. Applicants

respectfully submit that that the Return Receipt Postcard received from the O.I.P.E. and stamped as of December 6, 2004 acknowledged the receipt of the Form PTO-1449. Further, Applicants confirmed this receipt using the Patent Application Information Retrieval System (PAIR).

Applicants respectfully request the Examiner to include with the next communication an initialed copy of the Form PTO-1449 filed on December 3, 2004.

#### **5. Conclusion**

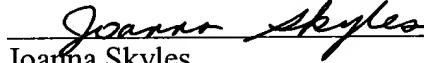
In conclusion, Applicants submit that claims 1-17 are in condition for allowance. Favorable reconsideration and allowance is requested.

Respectfully submitted,

**McDONNELL BOEHNEN  
HULBERT & BERGHOFF LLP**

Date: May 27, 2005

By:

  
Joanna Skyles  
Reg. No. 54,454